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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:12-CR-014-KJD-(CWH)
11 AUGUSTINE JOSE DAVALOS, JR.,)
12 Defendant.)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on April 17, 2012, defendant AUGUSTINE JOSE DAVALOS, JR. pled
15 guilty to a Three-Count Criminal Indictment charging him in Counts One and Two with Felon in
16 Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1), and in Count
17 Three with Possession of an Unregistered Firearm in violation of Title 26, United States Code,
18 Sections 5841 and 5861(d). Indictment, ECF No. 1.

19 This Court finds defendant AUGUSTINE JOSE DAVALOS, JR. agreed to the forfeiture of
20 the property set forth in Forfeiture Allegation of the Indictment and agreed to in the Plea
21 Memorandum. Indictment, ECF No. 1.

22 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
23 America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the
24 Indictment and agreed to in the Plea Memorandum, and the offenses to which defendant
25 AUGUSTINE JOSE DAVALOS, JR. pled guilty.

26 . . .

1 The following assets are subject to forfeiture pursuant to Title 18, United States Code,
2 Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 3 a. Taurus, Model PT-22, .22 caliber handgun, serial number ASL96618;
- 4 b. Jennings, Model J-22, .22 caliber handgun, serial number 361129;
- 5 c. New England Firearms, Model Pardner, .410 shotgun, with a barrel length of
6 12 inches, serial number NW258572;
- 7 d. Yugoslavia, Model M59-66, 7.62x39 caliber rifle, serial number 1-317377;
- 8 e. 21 .22 caliber rounds of ammunition;
- 9 f. a .22 magazine;
- 10 g. 1 expended .22 caliber shell casing; and
- 11 h. any and all ammunition ("property").

12 This Court finds the United States of America is now entitled to, and should, reduce the
13 aforementioned property to the possession of the United States of America.

14 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
15 United States of America should seize the aforementioned property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
17 AUGUSTINE JOSE DAVALOS, JR. in the aforementioned property is forfeited and is vested in the
18 United States of America and shall be safely held by the United States of America until further order
19 of the Court.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
21 shall publish in the Las Vegas Review-Journal/Sun on three separate occasions, notice of this Order,
22 which shall describe the forfeited property, state the time under the applicable statute when a petition
23 contesting the forfeiture must be filed, and state the name and contact information for the
24 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title
25 21, United States Code, Section 853(n)(2).

26 . . .

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
2 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
4 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
5 following address at the time of filing:

6 Michael A. Humphreys
Assistant United States Attorney
7 Daniel D. Hollingsworth
Assistant United States Attorney
8 Nevada State Bar No. 1925
Lloyd D. George United States Courthouse
9 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
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11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
12 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
13 following publication of notice of seizure and intent to administratively forfeit the above-described
14 property.

15 DATED this 18 day of April, 2012.

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UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Elizabeth Baechler-Warren, Forfeiture Support Associate Paralegal, certify that the following individual was served with a copy of the foregoing on April 17, 2012, by the below identified method of service:

CM/ECF:

Rebecca Rosenstein
Assistant Federal Public Defender
411 E. Bonneville Ave.
Las Vegas, NV 89191
Email: Rebecca_Rosenstein@fd.org
Counsel for Defendant Augustin Jose Davalos, Jr.

/s/ Elizabeth Baechler-Warren
Elizabeth Baechler-Warren
Forfeiture Support Associate Paralegal